

REMARKS

By this Amendment the abstract has been shortened, the specification has been amended to improve its presentation, claims 1-4, 7-10, 13, 16-17, 19, 23 and 24 have been amended, and claims 5 and 6 have been canceled. Entry is requested.

In the outstanding Office Action the examiner has rejected claims 1, 7-13, 16 and 18 under 35 U.S.C. 102(b) as being anticipated by Penn.

This rejection cannot be applied to the claims as now amended.

Penn discloses thermoelectric elements containing germanium-silicon alloys having a fine grain structure, the amount of germanium in the alloys being between 15 and 40 at% (see column 4, lines 6-8). The presently claimed invention includes no more than about 5 at% of added elements. Also the present invention claims that its silicon accounts for virtually all of the polycrystal grains and it can include multiple added elements deposited at the grain boundaries between crystals. Penn does not disclose these features.

The examiner has rejected claims 1-14 and are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (owned by the same assignee as the present application).

However, the presently claimed subject matter has a priority date of March 10, 1999 which is before the effective date of Yamashita et al. (June 8, 2000). It is even ahead of the date of the publication date of PCT/JP98/03642, which was May 16, 1999. Thus, this rejection must be withdrawn.

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Favorable reevaluation is requested.

Respectfully submitted,

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